

Massachusetts Department of Environmental Protection
Bureau of Waste Prevention – Stage II Vapor Recovery Program

Customer Code # _____

Stage II Form D1

Alternative Annual In-Use Compliance Certification
(No In-Use Compliance Testing Required)

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Stage II System Documentation

1. Stage II System Location:

Name of facility where the Stage II System is installed

Facility address

City/town

State

Zip code

2. Stage II System Responsible Official #1 (point of contact for Stage II related correspondence):

Name of Stage II System Responsible Official

Telephone number

Mailing address

City/town

State

Zip code

3. Stage II System Responsible Official #2 (fill out only if applicable):

Name of Stage II System Responsible Official

Telephone number

Mailing address

City/town

State

Telephone number

4. Stage II Annual Compliance Fee Billing Address:

Name of person to whom annual compliance fee is billed

Telephone Number

Name of company

Mailing address

City/town

State

Zip code

5. Stage II System Executive Order#: _____

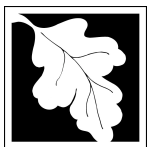
6. Is any of the Stage II system documentation submitted in
A. 1-5 above revised from the most recent Stage II system
documentation submitted to DEP for this facility?

☐ Yes

☐ No

B. In-Use Compliance Certification Submittal Requirement

The last date a fully completed Form D1 can be submitted to DEP in compliance with program requirements, is the one-year anniversary of the date postmarked on the envelope used to submit to DEP the Stage II system's applicable Form C, or most recent Form D2, which ever is later.



Stage II Form D1

Alternative Annual In-Use Compliance Certification
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Section C is to
be completed by
the Stage II
System
Responsible
Official only.

C. Stage II Facility Compliance Certification

1. Facility Operation, Maintenance and Record Keeping:

- a. Are you in compliance with the requirements to correctly operate and maintain the Stage II system in accordance with the terms and conditions of the system's currently applicable Executive Order?

☐ Yes ☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status: ☐ #1 ☐ #2

- b. Are you in compliance with the requirements to visually inspect the Stage II system every seven days to determine if any components are incorrectly installed, nonfunctioning or broken?

☐ Yes ☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status: ☐ #1 ☐ #2

- c. Are you in compliance with the requirements to immediately remove from service incorrectly installed, nonfunctioning or broken components?

☐ Yes ☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status: ☐ #1 ☐ #2

- d. Are you in compliance with the requirements to conspicuously post "Out of Order" signs on all incorrectly installed, nonfunctioning or broken components immediately upon being taken out of service?

☐ Yes ☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status: ☐ #1 ☐ #2

- e. Are you in compliance with the requirements to re-install, repair or replace all incorrectly installed, nonfunctioning or broken components within 14 days of determination or to take such components out of service in accordance with the interim DEP policy on Dispensing of Gasoline Through A Stage II System With Defective Components?

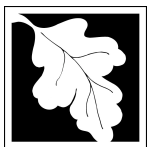
☐ Yes ☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status: ☐ #1 ☐ #2

- f. Are you in compliance with the requirements to correctly maintain on-site, all inspector training and Stage II system maintenance records?

☐ Yes ☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status: ☐ #1 ☐ #2



Stage II Form D1

Alternative Annual In-Use Compliance Certification
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C. Stage II Facility Compliance Certification (cont.)

2. Compliance Status and Actions to Ensure Future Compliance

For each question answered “No” to in B.1 above, please identify:

- a. the non-compliance attested to;
- b. the action(s) taken to return to compliance and date completed; and
- c. the action(s) taken to ensure future compliance and date completed.

Please print. If more space is needed, please use the back of this page or additional pages as necessary.

I certify that, where I have indicated that I am the Stage II System Responsible Official, **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; **(b)** systems¹ to maintain compliance are in place at the facility and will be maintained for the coming year even if the processes or operating procedures are changed over the course of the year; and, **(c)** I am fully authorized to make this attestation on behalf of the facility.

Printed name of Stage II System Responsible Official #1

Signature of Stage II System Responsible
Official #1

Date

Printed name of Stage II System Responsible Official #2

Signature of Stage II System Responsible
Official #2

Date

¹ For purposes of this statement, “systems to maintain compliance” means procedures that the Stage II facility owner and/or operator has established to ensure that weekly visual inspections and required tests are conducted, that broken or defective components are repaired, replaced or isolated and that required records are maintained.

Stage II Vapor Recovery Program Instructions for Completing Form D1

Stage II Form D1 Alternative Annual In-Use Compliance Certification **(No In-Use Compliance Testing Required)**

These instructions have been designed to assist those who own and/or manage Stage II systems in completing forms required by the Department of Environmental Protection (DEP). Please refer to the full text of the Stage II Program regulations (310 CMR 7.00, Definitions, and 310 CMR 7.24(6), Dispensing of Motor Vehicle Fuel), which govern this Program. These instructions do not create any legal rights, and do not substitute for the Program regulations. To ensure that you are using the most current version of the Stage II forms and instructions, please call the Stage II Hotline (617/556-1035), or check the Stage II web page <http://www.state.ma.us/dep/bwp/daqc/daqcpubs.htm#stageii>

When Is Form D1 Used? Form D1 is used to notify DEP that an installed Stage II system is operated and maintained in accordance with applicable program requirements:

- Form D1 (and Form D2) may be used **only** for Stage II systems for which the Department has received Form Cs in **two consecutive years** documenting that all required in-use compliance tests were passed on the first try.
- A Stage II system owner, operator, lessee or controller electing to submit an Alternative Annual In-Use Compliance Certification (Form D1 and D2) shall perform and pass applicable in-use compliance tests on an **every other year** basis.

In the first year of submitting an Alternative Annual In-Use Compliance Certification, a **Stage II Form D1** must be submitted. **No in-use compliance tests are required to be performed and passed to complete this Form.** In the second year, Form D2 must be submitted. As long as the requirements for participation in the Alternative Annual In-Use Compliance Certification are met, Forms D1 and D2 will be used into the future on an alternating, every other year, basis.

What Time Period Does Form D1 Apply To?

Form D1 applies to that period of time between the date on which the last Form C (or Form D2, if the system is currently participating in the Alternative Annual In-Use Compliance Certification) was submitted and the date the current Form D1 is submitted to DEP.

When is a Form D1 Submitted to DEP? Form D1 must be submitted to DEP by the one-year anniversary of the date postmarked on the envelope used to submit the facility's previous year's Form C or Form D2, as applicable.

Who Must Sign Form D1? To ensure the entire Stage II system is installed, operated, and maintained in accordance with program requirements all questions contained in Section D (Stage II Facility Compliance Certification) must be completed by the person responsible for ensuring compliance for that aspect of Stage II program requirements. If only one person is responsible for all aspects of Stage II program requirements, then that person should fully answer all questions contained in Section D and sign Form C as Stage II System Responsible Official #1. If two people are responsible for different aspects of the Stage II program requirements, then each person must answer those questions contained in Section D for which he/she is responsible, and sign Form C as Stage II System Responsible Official # 1 or Stage II System Responsible Official #2, as identified in Section A. 2 and 3.

The Responsible Official must review all information about Stage II system compliance activities required by Form D1 (including backup information that provides the basis for answers to questions on this Form) to make sure that the information is true, accurate and complete. If more than one person has been designated as a Responsible Official for a Stage II System, then each person needs to review the information appropriate to the question he or she is answering. The Responsible Official can base his or her certification on an inquiry of the individuals responsible

for obtaining information about applicable compliance activities. Stage II System Responsible Official #1 is the point of contact to Stage II-related communication with the Department.

Who is Eligible to be the Stage II System Responsible Official? The type of person who may serve as the Stage II System's Responsible Official depends on the type of entity that owns, operates, leases, or controls the system. The Responsible Official must be:

- In a sole proprietorship, the company's sole proprietor.
- In a partnership, a general partner with authority to bind the partnership.
- In a corporation or a non-profit corporation, a corporate official with authority to bind the corporation, e.g., president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision making functions of the corporation.
- In a municipality or other public agency, a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

Please note: Within a corporation or a municipality or other public agency, the Stage II System Responsible Official must have the authority to bind the organization with respect to Stage II systems for which he or she has been designated as "Stage II System Responsible Official". For example, in a large corporation, a district manager may be designated to serve as the Responsible Official for one or several Stage II Systems, as long as the designee has obtained the needed authority from the corporation.

What Must the Stage II System Responsible Official Attest To? By signing Form D1, the Stage II System Responsible Official attests that, for each aspect of Stage II program compliance for which he or she is responsible:

- he or she has personally examined, and is familiar with, the information contained in the form and all its attachments;
- based on his or her inquiry of the person(s) responsible for providing the information, the information to which he or she is attesting is true, accurate and complete;
- systems to maintain compliance are in place at the facility;

Please Note: For purposes of this statement, "systems to maintain compliance" means procedures that the Stage II facility owner and/or operator has established to ensure that weekly visual inspections and required tests are conducted, that broken or defective components are repaired, replaced or isolated and that required records are maintained.

- he or she is authorized to attest on behalf of the facility; and
- he or she is aware that there are significant penalties for submitting false information, including possible fines and imprisonment.

How Should Form D1 be Submitted to DEP? Form D1, with all original signatures, must be mailed via the US Postal Service to:

Department of Environmental Protection
Bureau of Waste Prevention – Stage II Program
One Winter Street, 8th Floor
Boston, MA 02108

Please Note: faxes, other copies and hand-delivered forms will not be accepted.

Directions for Completing Form D1

Section A. Stage II System Documentation

For Section A.1 - 5, please print the correct information in the space provided.

Section B. In-Use Compliance Certification Submittal Requirement

The last date a fully completed Form D1 can be submitted to DEP in compliance with program requirements, is the one-year anniversary of the date postmarked on the envelope used to submit your Stage II system's applicable Form C or Form D2, which ever is more recent.

- A Form D1 can be submitted at any time prior to the one-year anniversary of the applicable postmarked date.

Section C. Stage II Facility Compliance Certification

This Section must be completed by the Stage II System Responsible Officials, as applicable.

1. Facility Operation, Maintenance and Record Keeping

Check the appropriate box to answer each question.

2. Current Compliance Status and Actions to Ensure Future Facility Compliance

For each question answered "No" in B.1, please identify:

- the non-compliance attested to (for example, failed to correct damaged Stage II system components within required 14 days);
- the action(s) taken to return Stage II system to compliance (for example, called maintenance contractor to correct damaged equipment) and the date such actions were completed; and
- the action(s) taken to ensure future Stage II system compliance (for example, instituted a policy of maintaining replacement components on site for future repairs) and the date such actions were in place and operational.

If additional space is needed, please use additional pages as necessary.

3. Sign and date the form in the appropriate place as required.

If you have questions or need more information, please call DEP's Stage II Hotline (617/556-1035). The Hotline can provide:

- Stage II facility information on record in the DEP Stage II database.
- Help with finding your Stage II System's Executive Order number.
- A copy of your Stage II System's Executive Order.
- Blank forms.
- DEP fact sheets, inspection checklists and compliance assistance materials.

Blank forms and instructions, and program regulations are also available at DEP's Stage II web page <http://www.state.ma.us/dep/bwp/daqc/daqcpubs.htm#stageii> Additional compliance assistance materials, fact sheets, inspection check lists, etc. will be posted there as they are developed.